



March 2008

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Members of the Commission

Cliff Goodin, Chairman
Russellville

Karen Crowson, Vice-Chair
Benton

Vic Hiryak
Little Rock

Jim Newell
Little Rock

Sylvester L. Smith III
Camden

Commission Staff

Bill J. Williamson
Executive Director

Gary C. Isom
Deputy Executive Director

ARKANSAS REAL ESTATE COMMISSION

N E W S L E T T E R

From the Desk of Executive Director ...

Bill J. Williamson

New Commissioner Appointed

Vic Hiryak of Little Rock was appointed by Governor Mike Beebe to serve a three-year term on the Arkansas Real Estate Commission.

Vic Hiryak has been active in real estate since becoming licensed in 1971. Initially working with Circle Realty and Carriage Realty, both small niche companies, Hiryak joined Rector Phillips Morse in 1980 and except for a three-year stint with Coldwell Banker McKinney & Company (1998-2001) he has been with Rector Phillips Morse ever since. Starting as sales agent and associate broker, Hiryak is now Residential Sales Manager and Vice-President of the company. He holds the GRI, CRS and CRB designations from the National Association of REALTORS.



Vic Hiryak

Vic serves on the state level with the Arkansas REALTORS Association as Zone 12 Director, RPAC Trustee, and Professional Standards Committee. He is a Life Member of the Million Dollar Club, served as president of the Little Rock REALTORS Association in 1997, and was recognized by the Little Rock REALTORS Association as "Realtor of the Year in 1998."

Hiryak received a BBA degree from Arkansas A & M College in 1966 and a MBA degree from the University of Arkansas at Fayetteville in 1967.

Vic is married to Merry Holly Hiryak and they are the proud parents of twin sons Joe Hiryak and Chris Hiryak.

COMMISSIONER SMITH REAPPOINTED

Sylvester Smith III of Camden was reappointed by Governor Mike Beebe to serve as AREC Commissioner for a second three-year term. Sylvester serves as a Consumer Member on the Commission.

NEW COMMISSION CHAIRMAN AND VICE-CHAIR

At its February meeting the Commissioners elected **Cliff Goodin**, Executive Broker, Cliff Goodin and Associates, Russellville as **Chairman** and **Karen Crowson**, Executive Broker, Crye-Leike Benton Office, Benton as **Vice-Chair**. Other members of the Commission are Sylvester L. Smith III, Jim Newell and new Commissioner Vic Hiryak.



FORMAL HEARING DECISIONS



The following information is extracted from Findings of Fact, Conclusions of Law and Order, and Consent Orders issued by the Commission from October 2007 through February 2008. Formal Hearing Decisions that have been appealed are not listed.

Jacob “Steve” Foster, Salesperson, Crye-Leike Realtors-Kanis Branch, Little Rock, AR: In Formal Hearing # 3039 the Commission ordered that “...Respondent Jacob “Steve” Foster’s license be revoked.”

The Commission found Respondent Foster guilty of violating Arkansas Code Annotated § 17-42-311(a)(3) & (7).

Respondent Foster’s prior conviction is a crime involving a felony conviction and a crime involving moral turpitude, which prohibits Respondent from holding a salesperson license.

Larry Vise, Salesperson, Rainbow Realty, Hot Springs, AR: By Consent Order, In Formal Hearing # 3034 the Commission ordered that “...Respondent Larry Vise shall receive a Letter of Reprimand to be placed in his license file, pay a \$500.00 penalty to the Arkansas Real Estate Commission, and complete six (6) classroom hours of real estate education, approved in advance by the Executive Director within sixty (60) days of the date of this Order. Said education shall be in addition to the Continuing Education requirement.”

The Commission found Respondent Larry Vise guilty of violating Arkansas Code Annotated § 17-42-311(a)(13) and Commission Regulation 10.16.

Respondent Vise was convicted of or plead guilty to crimes, but did not make a written report to the Commission within 30 days after each conviction or plea. Respondent’s conduct constitutes improper and dishonest dealings.

Mark Burrier, Salesperson, C-21 Dunaway and Hart, Inc., Conway, AR: By Consent Order, In Formal Hearing # 3045 the Commission ordered that “...Respondent Mark Burrier shall receive a Letter of Reprimand to be placed in his license file, pay a \$500 penalty to the Arkansas Real Estate Commission, and complete six (6) classroom hours of real estate education, approved in advance by the Executive Director within 60 days of the date of this Order. Said education shall be in addition to the Continuing Education requirement.”

The Commission found Respondent Mark Burrier guilty of violating Arkansas Code Annotated § 17-42-311(a)(13) and Commission Regulation 10.1(b).

Respondent Burrier engaged in real estate activities independent of his principal broker, Mitchell Hart, C-21 Dunaway and Hart, Inc. Respondent’s conduct constitutes improper and dishonest dealings.

Bryan E. Wilkerson, Principal Broker, Wilkerson Capital Realty, Little Rock, AR: In Formal Hearing

3040 the Commission ordered that “...Respondent Bryan E. Wilkerson’s license be revoked and that he pay a \$1,000.00 fine to the Arkansas Real Estate Commission.”

The Commission found Respondent Bryan E. Wilkerson guilty of violating Arkansas Code Annotated § 17-42-311(a)(10), and Commission Regulations 10.7(b)(3) & 10.10(a).

Respondent Wilkerson did not see that Complainants received a copy of the signed listing agreement.

Respondent Wilkerson represented Complainants’ house as sold on his website and that Complainants saved \$7,056.40, which was false and misleading.

Respondent Wilkerson did not make his transaction records and files in this matter available to AREC Investigator.

A Recovery Fund Hearing was held. Respondent was ordered to pay Complainants \$500.

Jack T. Fryer, Salesperson, Dan Robinson & Associates, Inc., Little Rock, AR: In Formal Hearing # 3041 the Commission ordered that “...Respondent Jack Fryer may reactivate his license pursuant to the following conditions:

1. Before activation of the license, Respondent Fryer shall submit a business plan to the Executive Director of the Arkansas Real Estate Commission. This business plan shall be approved by the Executive Director and Respondent



FORMAL HEARING DECISIONS

- Continued



Fryer's sponsoring broker. Such plan shall include prohibition on engaging in any real estate activity that requires driving. Further, Respondent Fryer shall submit a new plan should there be a change in his principal broker.

2. This restriction shall apply for the time period of Respondent Fryer's driver's license restriction and the remaining term of his probation.

3. Respondent Fryer shall report to the Executive Director of the Arkansas Real Estate Commission on the status of his alcohol recovery plan based on the requirements established by the Executive Director. This reporting requirement shall last for a period of two (2) years."

The Commission found Respondent Jack T. Fryer guilty of violating Commission Regulation 10.16(a).

Respondent Fryer failed to make a written report to the Commission within 30 days after the conviction.

Paul K. Amponsah, Principal Broker, Access Realty, Little Rock, AR: In Formal Hearing # 3044 the Commission ordered that "...Respondent Amponsah be assessed a \$1,000.00 fine to be paid to the Arkansas Real Estate Commission, and his license be suspended for sixty (60) days. Respondent Amponsah's license shall be placed under probation for a period of five (5)

years. Should the Commission find Respondent Amponsah guilty of any violation of this Commission's rules and regulations within this probationary period Respondent Amponsah's license shall be immediately revoked."

The Commission found Respondent Paul K. Amponsah guilty of violating Commission Regulations 8.5(a) and 10.10(a), and Arkansas Code Annotated § 17-42-311(a)(13).

Respondent Amponsah did not protect and promote the Complainant's interest. Respondent did not insure that Complainant's payments to the seller were being used to pay the monthly note payments, taxes and insurance. Respondent did not request or receive written verification from the seller that payments were being made to the lender.

Respondent did not see that the exact agreements of the parties were reduced to writing and that the Complainant received a signed copy of the Early Occupancy Addendum with changes made by Respondent. The March 5, 2004 Real Estate Contract reflected that the closing date was 5/31/2004 but the March 4, 2004 Early Occupancy Addendum stated that the closing date was 6/30/2004. Changes to The Early Occupancy Addendum in paragraph 11, were not initialed by Complainant. The Complainant did not receive a copy of the Early Occupancy Addendum with the changes to paragraph

11, made by Respondent. The Early Occupancy Addendum reflected that Complainant had deposited additional earnest money in the amount of \$5,000, which was not collected by Respondent and that \$1,000 had been deposited as earnest money, which was not collected by Respondent, contrary to the March 5 Real Estate Contract. The Early Occupancy Addendum did not identify where the additional funds were being held. The Early Occupancy Addendum stated that "this is a lease to purchase agreement", however no terms or conditions regarding the lease purchase, other than in the Early Occupancy Addendum were reduced to writing in a separate agreement.

A Recovery Fund Hearing was held. Complainant's Recovery Fund request was denied.

Patricia Travis, Inactive, Salesperson, Conway, AR: In Formal Hearing # 3047 the Commission voted to "...revoke Respondent Patricia Travis' license."

The Commission found Respondent Travis guilty of violating Commission Regulations 9.2(b) and 10.16(b).

Respondent Travis did not file a written answer to a complaint filed with the Arkansas Real Estate Commission.

Respondent Travis did not make a written report to the Arkansas Real Estate Commission within thirty (30) days of the revocation of her residential contractor license.



Inside This Issue

March 2008 Newsletter

From Executive Director.....	1,4
New Commissioner.....	1
Formal Hearings.....	2-3
Investigator Notes.....	4
Renewal 2009.....	4

Desk of Executive Director - Continued

Investigator Notes:

Senior Investigator Randy Brown retired earlier this year after 18 years with the Commission. We wish Randy a happy retirement.

Investigator Rick Stanley was promoted to Senior Investigator.

The Commission Investigators, while investigating complaints and conducting office examinations, are seeing the following issues that can cause brokers and salespersons problems or hearings:

- Office signage not permanently attached and clearly visible to the public (Reg. 7.3b)
- Incomplete records of the firm's property management activities (Reg. 10.7b)
- Inability to provide proof of a licensed Arkansas attorney's approval of contracts used by the firm in their regular course of business (Reg. 10.10c)
- Incomplete reconciliation of the firm's trust account, especially not balancing the reconciliation to the total amount of trust funds deposited in the account which have not been disbursed, or in English, not generating a complete list every month of whose funds are in the trust account (Reg. 10.8g)
- Either not including the firm's name in an advertisement or a licensee's connection to their broker not being obvious in the advertisement (Reg. 10.5)
- Lack of Supervision by PB or DEB (Reg. 10.4 (a)(1))
- Failure to ensure that the transaction closed according to the written agreement of the parties (Reg. 10.4(d) (1-2))

If you have any questions please contact one of the Commission Investigators (Rick Stanley or Tracy Glenn).

Renewal 2009

by: Joyce Wilkerson
License Supervisor

Renewal update for 2009

Yes, plans have started for the renewal of your license for 2009. There will be a significant change in notification this year. In the past, notice was mailed to the principal broker at the office address. The 2009 notification will be mailed to the individual licensee at the home address that is currently on record with AREC. It may be in a postcard format so be on the lookout in July. If you have recently moved, you need to notify AREC and send your current home address.

Arkansas Regulation 7.6(b) states, "All licensees, both active and inactive, shall at all times keep the Commission informed in writing of their personal residence address, physical business address and mailing address."